

Remarks/Arguments

Reconsideration of this application is respectfully requested.

Specification

The title is objected to as not descriptive. As suggested in the Action, the title is amended to "Memory Device and Dissimilar Capacitors Formed on Same Substrate" to be clearly indicative of the invention to which the claims are directed.

Claim Status

Claims 1-50 were previously presented. Claims 35-50, which are withdrawn from consideration as a result of the previous restriction requirement and election, are canceled without prejudice. In addition, claim 4 is canceled without prejudice, and claims 1, 2, 5-8, 10, 13-15, 17, 30 and 31 are amended. Thus, claims 1-3 and 5-34 are now pending.

Allowable Subject Matter

Claims 4-11, 13-15, 17-27, 30 and 31 are indicated as allowable if rewritten in independent form.

Claim 4 depends from claim 3, which depends from claims 1 or 2. Claim 1 is rewritten to include the limitations of dependent claim 4, but not the limitations of intervening claim 3. In explaining the indication of allowable subject matter in claim 4, the Action states "No prior art discloses the claimed invention in which one dielectric film includes a thermal oxide, and the other dielectric film includes a CVD oxide and a second thermal oxide." Therefore, the limitations of claim 3, which require the first and second dielectric films to include an ONO film, are not believed to be relevant to the indication of allowable subject matter in claim 4, and are therefore not included in amended claim 1 since they would be unnecessarily narrowing.

Claim 5, which includes similar limitations to claim 4, is amended to depend from claim 2 rather than from claim 3. Reference is also made to the discussion below regarding the additional amendments to claim 2. Claims 6-8 are amended to depend from claim 1, and claim 9 depends from claim 8. Claim 10 is amended to

depend from claim 1, and claim 11 depends from claim 10. Claim 17 is amended to depend from claim 1, and claims 18-27 depend from claim 17. Accordingly, claims 5-11 and 17-27 are also in allowable form.

Claims 13-15, 31 and 32 each have multiple dependence directly from claims 1 and 2. Claims 13, 14 and 31 are rewritten in independent form to include all limitations of base claim 1, and claims 15 and 32 are rewritten in independent form to include all limitations of base claim 2. Accordingly, claims 13-15, 31 and 32 are now in allowable form.

Claim Rejections – 35 USC 112

Claim 2 is rejected under 35 USC 112, second paragraph, as indefinite because “the capacitor element” in line 6 lacks antecedent basis. In response, line 6 of claim 2 is amended to recite “the first capacitor element”.

Claim Rejections – 35 USC 102

Claims 1-3, 12, 16, 28-29 and 32-34 are rejected under 35 USC 102(b) as anticipated by Tsuruta (US 5,886,377). The rejection of claim 1 is moot, since it is amended to include the limitations of allowable claim 4.

With respect to independent claim 2, Tsuruta discloses a semiconductor device having a non-volatile memory transistor and first and second capacitor elements. Inter-layer films (dielectric films) of the first and second elements can include ONO layers and can be formed from other kinds of materials or by the same material in different thickness. See Tsuruta, Col. 6, lines 57-65.

However, Tsuruta does not disclose or suggest that the second capacitor element has more film layers or components than the first capacitor element, as disclosed by applicant on page 28, lines 1-14. Applicant’s feature is advantageous in that the capacitor values of each capacitor element can be independently set to any desired value. Claim 2 is amended as follows to emphasize this feature:

...wherein the number of films as components of the second dielectric film of the second capacitor element is at

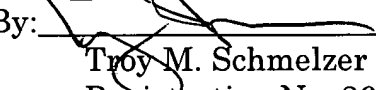
least greater than the number of films as components of
the first dielectric film of the first capacitor element...

Since Tsuruta does not disclose this feature, it cannot anticipate claim 2 as amended. The rejection under 35 USC 102(b) should be withdrawn.

Claims 3, 12, 16, 28, 29 and 32-34 have multiple dependence from claims 1 and 2. Since claims 1 and 2 are amended into allowable form, as discussed above, these claims are also allowable by virtue of their dependence on claims 1 and 2.

Respectfully submitted,
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